

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**MAY 27 2003**

**PATRICK FISHER**  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

ROBERT WAYNE COOK,

Defendant - Appellee.

No. 02-7086  
(D.C. No. 02-CR-15-S)  
(E.D. Oklahoma)

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**ORDER AND JUDGMENT** \*

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Before **TACHA**, Chief Judge, **PORFILIO** and **BALDOCK**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

The United States appealed from the district court's dismissal of the indictment against Robert Wayne Cook for lack of jurisdiction. Subsequently,

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

the United States filed a motion to dismiss this appeal. We GRANT the motion to dismiss and DISMISS the appeal.

Entered for the Court

Deanell Reece Tacha  
Chief Judge